PATENT

IS-US030672

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF	:
Yoshihiro NAKAMURA, et al.	: GROUP ART UNIT: To be assigned
SERIAL NO: 10/595,328	:
FILED: APRIL 10, 2006	: EXAMINER: To be assigned
FOR: WEIGHING DEVICE, COMBINATION WEIGHING DEVICE INCLUDING THE SAME, AND WEIGHING METHOD	:

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant withes to disclose the following information:

Attached is a Written Opinion of the International Search Authority, accompanied by an English translation thereof. The references cited in the Written Opinion are listed on the concurrently filed PTO/SB/08a.

This Information Disclosure Statement is being filed within three (3) months of the filing date of this application. Thus, ***no fee is believed to be due for this Information Disclosure Statement.*** However, the commissioner is authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account 19-2042.

Respectfully submitted,

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WRITTEN OPINION OF THE INTERNATIONAL SEARCH AUTHORITY

INTERNATIONAL APPLICATION NUMBER PCT/JP2004/013548

COLUMN V.

Written opinion regarding novelty, inventive step, and industrial applicability under PCT Rule 43.2.1 (a) (j), and references supporting the written opinion and explanation

1. WRITTEN OPINION

NOVELTY(N)	Claims	1-19	YES
	Claims		NO
INVENTIVE STEP (IS)	Claims		YES
	Claims	1-19	NO
INDUSTRIAL APPLICABILITY (IA)	Claims	1-19	YES
	Claims		NO

2. REFERENCE AND EXPLANATION

REFERENCE 1: WO 1997/014020 A1 (Yamato-scale Co., Ltd)
1997. 04. 17, Figs. 24-30
& EP 806638 A1 & US5889235 A

REFERENCE 2: JP 62-175624 A (NANBU DENKI SEISAKUSHO)
1987. 08. 01, Fig. 3 (No family)

EXPLANATION (REGARDING LACK OF INVENTIVE STEP)

In reference to Figs. 24-30 of the above described reference 1, a weighing device in which a target object is put in a container and a conveyer weighing weighs the target object put in the container, and the target object is discharged while a container selected in a container stock unit is moved in a discharge unit is disclosed. On the other hand, in reference to the relevant portions of Fig. 3 of the reference 2, a weighing unit in which a container selected in a stock unit that stocks containers while moving them is used for combination is disclosed.

According to the invention of the above described reference 1, there is no clear description if the conveyer weighing weighs the target object put in the container without stopping the movement of the container. However, that the conveyer weighing weighs goods without stopping

their movement is a heretofore known conventional art that had been disclosed before filing of the present application and it is not necessary to show examples for the art. Therefore, applying the non-stop weighing conveyer to the invention of the above described reference 1 is merely a workshop modification that can be arbitrary realized. Furthermore, applying a non-stop type container stock unit to the container-transport type selective weighing device is also a heretofore known conventional art that had been disclosed before filing the present application as shown in the above described reference 2, for instance. Therefore, applying the non-stop container stock unit to the invention of the above described reference 1 is still merely a workshop modification that can be arbitrary realized.

In short, differences between the invention regarding claim 1 of the present invention and the invention of the above described reference 1 are in the following two points: if the weighing unit is the non-stop type or not; and if the container stock unit is the non-stop type or not. However, as described above, these two points are merely workshop modifications that can be arbitrary applied to the invention of the present application. Therefore, the invention regarding claim 1 of the present invention does not have any inventive step. Also, items that limits the contents of the present invention in dependent claims 2 to 19 are nothing more than the heretofore known conventional art without the need of showing examples. Accordingly, the inventions described in these claims also do not have any inventive step.

Note that the above described explanation is judged based on the following interpretation: "while moving the container" described in claim 1 is interpreted as "the container is not in abeyant state" by taking the applicant's intention into consideration; and "the supply unit" described in claim 15 is interpreted as "a supply unit" described in claim 14.

国際調査機関の見解書

国際出願番号　PCT／JP2004／013548

第Ⅴ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1．　見解

新規性（N）	請求の範囲	1－19	有
	請求の範囲		無
進歩性（ＩＳ）	請求の範囲		有
	請求の範囲	1－19	無
産業上の利用可能性（ＩＡ）	請求の範囲	1－19	有
	請求の範囲		無

2．　文献及び説明

文献１：WO　１９９７／０１４０２０　Ａ１（大和製衡株式会社）
　　１９９７．０４．１７、図２４～３０
　　&ＥＰ　８０６６３８　Ａ１　　&ＵＳ　５８８９２３５　Ａ
文献２：ＪＰ　６２－１７５６２４　Ａ（株式会社南部電機製作所）
　　１９８７．０８．０１、第３図（ファミリーなし）

説明（進歩性欠如について）

上記文献１の図２４～３０に関する箇所には、被計重物を容器に入れてコンベア秤で計重し、容器貯留部で選択した容器を排出部で移動させながら被計重物を排出する計重装置が示されている。また、上記文献２の第３図に関する箇所には、被計重物を容器に入れて計重し、容器を移動させながら貯留する貯留部で選択した容器を組み合わせに用いる計重装置が示されている。

上記文献１のものでは、コンベア秤が容器を停止させるとなく計重しているかどうか、明示の記載は無いが、コンベア秤で物品を停止させないで計重することは、例示するまでもない程度の本願出願前の周知慣用技術にすぎないから、上記文献１のものにおいて、無停止型の計重コンベアを採用することは、適宜なし得る設計事項でしかない。さらに、容器搬送型の選択計重装置において、容器貯留部を無停止型のものにすることも、例えば、上記文献２に示されるように、本願出願前の周知慣用技術にすぎないから、上記文献１のものにおいて、無停止型の容器貯留部を採用することも、やはり適宜なし得る設計事項でしかない。

結局、本願の請求の範囲１の発明と上記文献１の発明とでは、計重部が無停止型であるか否かと容器貯留部が無停止型であるか否かの２点において相違するが、前記したように二つの相違点は適宜なし得る設計事項でしかないので、本願の請求の範囲１の発明は進歩性を有しない。そして、従属形式で記載された請求の範囲２－１９で限定された事項も、例示するまでもなく、本願出願前の周知慣用技術でしかないので、これらの請求の範囲の発明も進歩性を有しない。

なお、前記説明の判断は、請求の範囲１において「容器を移動させながら」の記載を、出願人の意図を汲み取り「容器が無停止で」と解釈して成され、また、請求の範囲１５の「前記供給部」は、請求の範囲１４の「供給部」と解釈されている。